

FCO 2007 – VII

ANIMAL CONTROL ORDINANCE

ANIMALS

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DEFINITIONS GENERALLY

ss. A-O.00 DEFINITIONS FOR USE IN THIS ORDINANCE

As used in this ORDINANCE, the following definitions shall apply:

ABANDONMENT - To deposit, leave, drop off or otherwise dispose of any live domestic animal on any public or private property.

ALTERED CAT - Any domestic feline four months of age or older that has been spayed or neutered.

ALTERED DOG - Any domestic canine four months of age or older that has been spayed or neutered.

ANIMAL - Any warm-blooded or cold-blooded land dwelling vertebrate, excluding humans to which this ordinance does not apply.

ANIMAL CONTROL AUTHORITY means the New Albany-Floyd County Animal Control Authority and its governing board established by an Inter-local Cooperation Agreement between the County of Floyd and the City of New Albany on 20th of May 1999 pursuant to the provisions of I. C. 36-1-7 et seq. for the operation of the New Albany-Floyd County Animal Control and Shelter, which inter-local agreement is ratified, affirmed and incorporated herein by reference.

ANIMAL CONTROL OFFICER - Any person designated by the Floyd County Animal Control Authority to enforce the terms and provisions of this ordinance; or any law enforcement officer of the State of Indiana.

ANIMAL SHELTER - For the purposes of this ordinance, the term Animal Shelter shall refer to the New Albany/Floyd County Animal Control and Shelter.

ATTACK - Any aggressive contact with a human being that causes any degree of bodily injury, or any aggressive contact with a domestic pet, livestock, or poultry that causes death or injury severe enough to require veterinary treatment.

CAT - Any domestic feline four months of age or older.

CRUELTY - Any act prohibited by section A-O.07 through A-O07.6 of this ordinance.

DANGEROUS ANIMAL - Any animal which, unprovoked, commits an attack upon, harms or kills a person or another domestic animal. A dangerous animal shall also include any mammal for which there is no parenteral rabies vaccine recognized and licensed by Indiana State Board of Animal Health or the Indiana State Department of Health, for use to protect humans, or other species of animals, from the communicability of rabies.

DOG - Any domestic canine four months of age or older.

DOMESTIC ANIMAL - Any animal whose physiology has been determined and/or manipulated through selective breeding, and any mammal, whether or not its physiology has been determined or manipulated through selective breeding, which can be vaccinated against rabies with a rabies vaccine recognized by Indiana State Board of Animal Health or the Indiana State Department of Health, that is licensed for use to protect humans, or other species of animals, from the communicability of rabies.

ENCLOSURES:

(1) ENCLOSURES FOR DOGS AND PUPPIES.

(a) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level and must be constructed in such a way as to prevent the animal from digging out. The enclosure must contain proper shelter from the weather. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animals from opening the gate or door and prevents the entry of children inside the enclosure.

(b) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. The enclosure must contain proper shelter from the weather. This type of enclosure is not acceptable for an unaltered dog, an animal declared a public nuisance, a dangerous animal

(2) ENCLOSURES FOR DANGEROUS ANIMALS

Enclosures for dangerous animals, shall be a covered fence or structure at least six feet in height, installed beneath ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient size to allow the dog to stand, sit, and turn around in a natural position, and which allows for adequate exercise area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure. All entrances of the enclosure shall be securely padlocked at anytime the animal is left unattended. The enclosure must contain proper shelter from the weather and a shaded area.

HARBORING - The actions of any person that permit any animal to lodge or to be fed within his/her home, store, enclosure, yard, or place of business or any premises which the person owns, or in which the person resides, or over which the person has possession or control. An animal shall be presumed harbored if it is fed or sheltered for fifteen consecutive days.

HUNTING - means the pursuit of any wild animal or bird licensed and regulated under Ind. Code 14-22-11-1, or any successor provision to that statute. A **HUNTER** is a person engaged in hunting and is in possession of a valid state hunting license.

IMPOUNDED - Taken into custody of the New Albany/Floyd County Animal Control and Shelter.

KITTEN - Any domestic feline younger than four months of age.

LEAD or LEASH - A device used for humanely restraining an animal (see **RESTRAINT**).

LIVESTOCK - Any animal raised for or used in agriculture, including, but not limited to, equine, bovine, sheep, rams, ewes, lambs, bull, bullocks, llamas, Alpacas, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, domesticated hares and rabbits, and poultry.

MICROCHIP - A passive transponder which can be implanted into an animal and which is a component of radio frequency identification (RFID) system. *[NOTE: The microchip in use in Floyd County and surrounding communities is a 125 MHz microchip, and it is the standard being adopted throughout the nation. Whenever a "microchip" is referred to or required under this ordinance nothing other than a 125 MHz microchip will satisfy this ordinance.]*

NEGLECT - Any intentional reckless or negligent act or omission which results in a domestic animal or livestock not receiving adequate shelter, food, water, or in a domestic animal or livestock not receiving necessary veterinary care, or in a domestic animal or livestock housed in unhealthy living conditions.

NUISANCE - Any act of an animal or its owner that irritates, perturbs or damages rights and privileges common to the enjoyment of public or private property or indirectly injures or threatens the safety of a member of the general public. By way of examples and not of limitation, the commissions on the following acts or actions by an animal or by its owner or possessor shall hereby being declared a nuisance:

- (1)** _____ Allowing or permitting an animal to habitually bark, whine, howl, mew, crow or cackle in an excessive or continual fashion or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
- (2)** _____ Allowing or permitting an animal to damage the property of any person other than its owner or caretaker, including to, but not limited to getting into or turning garbage containers or damaging gardens, flowers, plants or other real or personal property or leaving fecal material on the property of another person.
- (3)** _____ Allowing or permitting an animal to molest, chase, snap at, attack or attempt to attack passers-by, vehicles, other domestic animals or livestock.

- (4)** Allowing or permitting an animal to habitually or continually roam or be found on property of other than its owners or caretakers, trespassing school grounds, parks or the property of any person.
- (5)** Allowing or permitting an animal to be housed or restrained within reach of a public street, road, sidewalk or access and, in the discretion of the animal control officer, poses a threat to the general public safety, health and welfare of the general public.
- (6)** Allowing or permitting an animal to be maintained in an unsanitary condition so as to be offensive to sight or smell.
- (7)** Allowing or permitting an animal to habitually charge in an aggressive manner a fence separating from another property when the usual residents are taking pleasure in such property without provoking such animal.

OWNER - Any person owning, keeping, harboring, or having control or custody of animals within the jurisdiction of this ordinance, provided, that in the event that a minor person shall be determined the owner of the animal, the parent, guardian of such minor person shall be responsible to ensure compliance with the terms and provisions of this ordinance, and shall be liable for any non-compliance herewith.

POULTRY - All domesticated fowl and all game birds which are legally kept in captivity.

PUPPY - Any domestic canine younger than four months of age.

QUARANTINE - Humane confinement of an animal in a building which prevents the animal coming into contact with any animal or human being other than the owner or caretaker.

RESTRAINT:

- (1)** For all animals except dogs and puppies, RESTRAINT shall mean confined to the premises of the owner or, if off of the premises of the owner, under restraint by means of a lead or leash and under the control of a responsible person.
- (2)** For dogs and puppies, RESTRAINT shall mean restricted to the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner and under his/her direct control.
 - (a)** Any tethering system employed in place of a fence shall not allow the dog or puppy to leave the owner's property. The chain or tether must not be made of rope, twine, cord or similar material that can easily be cut or chewed through. Any tethering system shall not be acceptable for any dog declared dangerous.
 - (b)** No chain or tether shall weigh more than 1/8 of the animal's body weight.
 - (c)** Any chain or tether must be attached to a properly fitting collar or harness worn by the animal as defined in this ordinance. A chain, choke or pinch collar shall not be utilized for tethering purpose.
 - (d)** No dog shall be chained or tethered that has not been spayed or neutered.
 - (e)** Spayed or neutered dogs may not be chained or tethered for more than 10 continuous hours in any 24-hour period. Dogs may not be chained or tethered at all between sunset or sunrise.

(3) All livestock shall be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner's property. Livestock found in property, but not restrained by a fence in good repair may be impounded at the owner's expense and the owner charged with a violation of this section.

(4) All crowing and non-crowing poultry shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. The fence or structure must be in good repair.

REASONABLE CARE - That degree of care which a reasonable and prudent person would, under the same or similar circumstances render to an animal to prevent injury, to care for an existing injury, or to prevent death.

RUNNING AT-LARGE - Any animal, not located on the real property of its owner, shall be deemed running at-large if it is not under restraint or in direct control of its owner.

SERVICE ANIMAL - Any animal that is individually trained to perform tasks for a person with a disability such as, but not limited to, guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting an individual who is having a seizure, or performing other special tasks. Service animals are working animals. Any animal employed as a therapy and/or companionship animal shall not be considered as a service animal.

SEVERE ATTACK - An unprovoked attack in an aggressive manner upon a human in which the victim(s) suffered a bite(s) or was shaken violently, and which caused serious physical trauma or death.

SHELTER - A structure or other means of protecting an animal from inclement weather which:

(1) Shall be cleaned and maintained regularly so as to prevent the accumulation of waste and debris;

(2) Shall be constructed and maintained as needed to promote drainage of rain water and;

(3) Shall provide reasonable protection for the animal from temperature extremes.

STRAY - Any animal found off of the property of its owner or caretaker and not under restraint as defined in this ordinance. Any animal upon finding reasonable suspicion to believe such animal(s) was off of the property by an animal control officer investigation. Any animal not confined as defined in this ordinance while on the property of its owner or caretaker. Any abandoned or unwanted animal roaming and not under restraint as defined in this ordinance.

TETHER - A restraint fastened humanely to an animal so as to keep it within certain bounds (see *RESTRAINT*).

UNALTERED CAT - Any domestic feline six months of age or older that has not been spayed or neutered.

UNALTERED DOG - Any domestic canine six months of age or older that has not been spayed or neutered.

ANIMALS GENERALLY:

ss. A-O.01 PERMITTING ANIMALS TO RUN AT-LARGE

(A). It shall be unlawful to permit any animal of any kind to run at-large within the county. All animals shall be kept under restraint at all times, as defined in this ordinance, and any deviation or violation thereof is strictly prohibited.

(B) The foregoing provision shall not apply:

(1) if the animal owner is engaged in hunting, and the animal in question has been trained to assist in hunting, and the animal's activities are being supervised by the hunter;

(2) in any section of a public park of the County designated as a leash free zone.

Penalty, see ss. A-O.99

ss. A-O.02 AUTHORITY TO KILL DANGEROUS ANIMALS

The members of the police department, and any animal control officer, are authorized to kill any dangerous animals of any kind when it is necessary to do so for the protection of any person or property.

ss. A-O.02.5 INTERFERENCE WITH ENFORCEMENT PROHIBITED

(A) No person shall in any manner interfere with, hinder, molest, or abuse any officer or individual duly authorized to enforce the provisions of this ordinance.

(B) No person shall in any manner seek to release or remove any animal in the custody of New Albany/Floyd County Animal Control and Shelter, or from any humane trap identified as the property of the Animal Shelter.

ss. A-O.04 PERMITTING LIVESTOCK OR POULTRY, AND THE LIKE TO RUN AT-LARGE

It shall be unlawful to permit any livestock or poultry to run at-large within the county. Any such animal running at-large within the county may be impounded.

Penalty, see ss. A-O.99

ss. A-0.05 ANIMALS AS PRIZES OR INDUCEMENTS

It shall be unlawful to give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter in any business agreement in which the offer was for the purpose of attracting trade.

Penalty, see ss. A-O.99

ss. A-O.06 ANIMAL WHICH IS A PUBLIC NUISANCE

No owner shall permit his/her animal to participate in any of the following activities: excessive, continuous, or habitual barking or howling; molesting of passerby; chasing of vehicles; attacking of other animals; trespassing on public or private property; or damaging property of another.

Penalty, see ss. A-O.99

ss. A-O.07 CRUEL TREATMENT OF ANIMALS PROHIBITED

- (A)** For purposes of this ordinance, "cruelty" means any act prohibited by this section. No person shall cause infliction of pain, any form of bodily injury or death to an animal by
- (1) Striking, beating, dropping, kicking, dragging, choking, or by the use of an object or weapon;
 - (2) Causing pain, any form of bodily injury or death by means of caustic, flammable, chemical, boiling, or heated substances; causing suffering, any form of bodily injury or death by suffocation or drowning;
 - (3) Failing to provide adequate food and water.
 - (4) Failing to detect the need for or withholding veterinary care, including care and maintenance of skin and coat, creating or allowing unhealthy living conditions whether by intentionally or by severe omission.
- (B)** No person shall engage, participate or be present in any acts or actions as defined as cruelty in this ordinance. No person shall cruelly treat or torment any animal.
- (C)** In the event there is a reasonable cause to suspect that an animal is being a victim of cruelty, custody of such animal may be taken by an Animal Control Officer, Police Officer, or an authorized person and impounded at the Animal Shelter. If claimed by its owner within the time limit as defined in this ordinance, the animal shall be held as evidence and confined in such facility in a humane manner. Upon a court finding that the animal has been a victim of cruelty, the animal shall become the property of the Animal Shelter. Any owner or caretaker shall be responsible for all fees as defined in this ordinance.

Penalty, see ss. A-O.99

ss. A-O.07.1 ANIMAL FIGHTING AND; EXHIBITION FIGHTING PROHIBITED

- (A)** No person shall cause or permit any dogfight, cockfight or other combat between animals. In the event there is a reasonable cause to suspect that an animal is involved in a dogfight, cockfight or other combat, custody of such animal and all animals of the same species on the same property may be taken by an Animal Control Officer, Police Officer, or authorized person and impounded at the Animal Shelter. The animal(s) shall be held as evidence and confined in such facility in a humane manner. Upon finding by a court that the animal(s) involved in a dogfight, cockfight or other combat between animals, the animal(s) shall become the property of the New Albany/Floyd County Animal Shelter.
- (B)** No person shall own, possess, keep, train, exercise, breed or raise any dog or other carnivore, bird or animal with the intent that such dog or other carnivore, bird or animal be utilized, sold, given or leased for fighting and/or engaged in an exhibition of fighting. In the event that a person owns, possesses, keeps, trains, exercises, breeds or raises any dog or other carnivore, bird or animal and/or engages in an exhibition of fighting or selling, leasing or giving such animals for fighting, such person shall be liable for citation for violation of this ordinance.
- (C)** No person shall be present at any dogfight, cockfight, animal fighting, or combat between animals. In the event that a person is present at a dogfight, cockfight, animal fighting or

combat between animals, such person shall be liable for citation for violation of this ordinance.

- (D)** Any person who is found present at a dogfight, cockfight, or combat between animals, and who is charged with being a spectator in violation of this ordinance, and who is in possession of and/or is the owner of an animal of the same species as that involved in the animal fight, shall be charged with intent to engage in an exhibition of fighting in violation of this ordinance. Any animal shall be seized and impounded as defined in this ordinance if found on the premises or in the immediate area of the dogfight, cockfight, or combat between animals.
- (E)** No person own, possess, keep or utilize any animal fighting paraphernalia utilized to train and/or fight such animal.

Penalty, see ss. A-O.99

ss. A-O.07.2 PROVISION OF NECESSITIES

- (A)** Any owner or caretaker shall provide her/his animal with a good and adequate amount of wholesome food to maintain a healthful level of nutrition. Any owner shall provide and maintain a constant and reachable supply of fresh and clean water at all times for her/his animal.
- (B)** Any animal shall be provided with adequate shelter and protection from the weather at all times. It shall be the discretion of Animal Control Officers to determine what constitutes adequate shelter and protection from the weather. Shelters shall be constructed to protect the animal from precipitation and of a material that provides insulation from extreme temperatures. In addition to the shelter, a shaded area shall also be provided by means of other structures, trees, tarps or awnings. Insulating bedding materials, such as straw, chipped wood, or wood shavings or other materials that dry quickly shall be provided during inclement weather extremes. Shelters must be cleaned and maintained regularly so as to promote proper health for the animals being kept.
- (C)** Any owner or caretaker shall provide to her/his animal proper, humane, medical and veterinary care and treatments when sick, diseased, injured or for the purpose of preventing suffering.
- (D)** Any owner of animals shall maintain an appropriate environment with clean and healthful living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris. All living areas shall be constructed and maintained to promote drainage of rainwater to prevent the accumulation of mud and/or water.

Penalty, see ss. A-O.99

ss. A-O.07.3 RESTRAINT BY TETHER; AND COLLAR SPECIFICIATIONS

- (A)** If any animal is restrained by a chain, cable or similar restraint, it shall be designed and placed as defined under RESTRAINT in this ordinance.

(B) All collars used for the purpose of chaining or tethering an animal must be made of nylon, leather or other durable and non-metallic material. Using a chain, choke or pinch collar as a primary collar is prohibited.

(C) All collars or harnesses must be fit regularly to avoid causing injury or becoming embedded into the animal's body.

(D) No chain or tether shall weigh more than 1/8 of the animals' body weight.

(E) No dog shall be chained or tethered that has not been spayed or neutered.

(F) Spayed or neutered dogs may not be chained or tethered for more than 10 continuous hours in any 24-hour period. Dogs may not be chained or tethered at all between sunset and sunrise.

Penalty, see ss. A-O.99

ss. A-O.07.4 SEXUAL ACTS WITH ANIMALS

No person shall engage or cause to allow any other person to engage in a sexual act with any animal.

Penalty, see ss. A-O.99

ss. A-O.07.5 ABANDONMENT

(A) No person shall abandon any animal. Abandonment consists of leaving an animal for a period in excess of 24 hours, without providing and checking on the animal's condition. No owner shall leave an animal by a roadside or other area, or leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found so abandoned, such animal may be taken by an Animal Control Officer, Law Enforcement Officer or an authorized person and impounded at the New Albany/Floyd County Animal Control and Shelter, and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in section A-O.24. When a caretaker is mandated by the owner of such and the animal is so abandoned, the caretaker shall be subject to a citation for violation of this section and all fees as defined in this ordinance.

(B) Any Animal Control Officer is authorized to impound such animal if he/she deems that the condition of the animal requires immediate care or veterinary treatment and/or upon finding reasonable suspicion of abandonment and/or believe such animal(s) needs to be removed for humane reasons. The Animal Control Officer is authorized to go on and about private property to investigate any abandonment to establish or not reasonable suspicion of abandonment.

Penalty, see ss. A-O.99

ss. A-O.07.6 CRUELTY

- (A)** For the purpose of this section, cruelty of an animal shall also be defined as a failure by a person to adhere to the remedies and requisites ordered by an Animal Control Officer to comply with the requirements and provisions of any sections of this ordinance.
- (B)** No person shall engage, participate or be present in any acts or actions as defined as cruelty in this ordinance. No person shall cruelly treat or torment any animal.
- (C)** In the event there is a reasonable cause to suspect that an animal is being a victim of cruelty, custody of such animal may be taken by an Animal Control Officer, Police Officer, or an authorized person and impounded in the Animal Shelter. If claimed by an owner within the time limit as defined in this ordinance, the animal shall be held as evidence and confined in such facility in a humane manner. Upon a court finding that the animal has been a victim of cruelty, the animal shall become the property of the New Albany/Floyd County Animal Shelter. Any owner or caretaker shall be responsible for all fees as defined in this ordinance.

Penalty, see ss. A-O.99

ss. A-O.08 KEEPING ANIMALS PLACES OF HABITATION CLEAN

- (A)** No person shall cause or allow any place where any animal is, or may be, kept to become unclean or unwholesome, but shall keep the same clean and sanitary, and free from all refuse and rodents. Such places shall be cleaned at least once every 48 hours. It shall be unlawful to permit any decaying food, excreta or any refuse of any kind to remain in such place. Refuse from such places shall, when swept or collected, be kept in air-tight containers until disposed of in accordance with the ordinances of the county.
- (B)** It shall be unlawful for the owner or caretaker of an animal to permit or allow such animal to excrete manure or feces on school grounds, parks or other public property, or on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalk, or highways, unless the owner or person in control of such animal immediately removes all manure or feces deposited by such animal and disposes of same in a sanitary manner.
- (C)** This section shall not apply to blind or visually impaired persons accompanied by a service animal used for their assistance.

Penalty, see ss. A-O.99

ss. A-O.09 ANIMALS AFFLICTED WITH CONTAGIOUS DISEASE

No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at-large, or be exposed in any public place within the county whereby the health of man or animal may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Chief of the Police Department in the Civil City of New Albany, Indiana or the County Sheriff within the unincorporated areas of Floyd County, Indiana, or an Animal Control Officer or for the purposes of transporting directly to obtain veterinary assistance.

Penalty, see ss. A-O.99

ss. A-O.10 HUMAN BEING BITTEN AND QUARANTINE OF ANIMALS

- (A)** Any animal (excluding wildlife) which has bitten and/or scratched a human being shall be quarantined for ten days from the time of the bite and/or scratch occurs. The animal shall be examined immediately after it has bitten and/or scratched any human being, and again at the end of the ten day period by an agent of the Floyd County Health Department. If at the end of the ten-day period the agent of the Floyd County Health Department is convinced that the animal is free from rabies, the animal shall be released from quarantine. If the animal dies during the ten-day period, its head shall be sent to the Indiana State Department of Health for examination at the expense of its owner for examination for rabies. Any owner who fails to properly quarantine his/her animal is subject to citation for violation of this section, and the animal shall be impounded at the Animal Shelter or a licensed Animal Clinic or Animal Hospital for the remainder of its quarantine period. The owner shall be responsible for all fees (see attached fee schedule) during the quarantine period and stay at the Animal Shelter as defined in this ordinance.
- (B)** Any animal whose owner is unavailable or incapable of quarantining the animal is subject to the animal being taken by Animal Control and quarantined at the Animal Shelter or a licensed Animal Clinic or Animal Hospital for the prescribed period.
- (C)** Any owner of an animal which bites and/or scratches a human being may elect to board such animal at the Animal Shelter for the quarantine period, and must pay certain fees in accordance with a schedule approved by the Floyd County Board of Commissioners. Any owner of an animal which bites and/or scratches a human being may elect to surrender such animal to the Animal Shelter for the quarantine period, and must pay certain fees in accordance with a schedule approved by the Floyd County Board of Commissioners.
- (D)** Any quarantined animal not reclaimed by an owner within 24 hours of the expiration of the prescribed period of quarantine shall be humanely euthanized.
- (E)** Any human being bitten and/or scratched by an animal (excluding wildlife), or any physician or other medical professional or medical institution treating such bite or scratch on a human being shall report the bite and/or scratch to the Department of Animal Control and/or the Floyd County Health Department within twenty-four (24) hours.
- (F)** Any stray animal (excluding wildlife) which bites and/or scratches a human being shall be quarantined at the Animal Shelter.
- (G)** Any dangerous animal that cannot be vaccinated against rabies with an approved rabies vaccine, and any animal which has no established rabies quarantine observation period, is to be euthanized and its head shall be sent to the State Department of Health for examination all at the expense of its owner or harbinger for examination for rabies.

Penalty, see ss. A-O.99

ss. A-O.11 ALLOWING ANIMAL TO REMAIN IN PARKED VEHICLE

- (A)** It shall be unlawful for a motor vehicle owner or operator to place or confine an animal or allow it to be placed, confined or to remain in an unattended motor vehicle without sufficient ventilation or at such temperature or for such period of time as may reasonable be expected to endanger the health or well-being of such animal due to heat, coldness, insufficient ventilation and/or air exchanges, lack of water, or such other circumstances as an Animal Control Officer deems to be harmful or potentially harmful to the animal. Animal Control Officers are authorized to seize and rescue such animal under life

threatening condition. Such animal shall be transported to the Animal Shelter or its designee for immediate medical attention. Damages incurred to such vehicles during the seizure of such animal shall be at the expenses of the vehicle owner.

Penalty, see ss. A-O.99

ss. A-O.12 SPAY/NEUTER PROGRAM ESTABLISHED AT ANIMAL SHELTER

This ordinance adopts a spay/neuter program for the animal shelter on the following terms:

- (A)** All persons wishing to adopt a dog or cat at the animal shelter must pay a spay/neuter fee with their adoption fees. All animals adopted from the shelter must be surgically altered unless a licensed veterinarian, in writing, states the animal is unfit for surgery.
- (B)** The animal shelter shall deposit all monies collected from this spay/ neuter fee into the Non-Reverting fund for the spay/neuter program with the City Controller, and thereafter shall process all claims to maintain the spay/neuter clinic at the shelter.

(Ordinance G-95-209, passed 2-16-95)111

DOGS AND CATS

ss. A-O.15 DOGS AND CATS TO BE REGISTERED AND LICENSED

- (A)** Any person owning, harboring or having custody of a dog or cat within the county must obtain a license under this ordinance within 15 days of obtaining the animal. Licenses shall be valid for one year from date of issue. Any person not eligible for a license may not own a dog or a cat.
- (B)** Applications for licenses shall be made to the New Albany/Floyd County Animal Control and Shelter.
Application for a license must be within 15 days of having custody of the animal.
- (C)** If the applicant withholds or falsifies any information on the application, no license shall be issued. Any licenses issued upon false or withheld information shall be null and void.
- (D)** Application shall include species, gender, breed, name, whether the animal has been neutered or spayed, a current rabies certificate, if required, issued by a licensed veterinarian, and the name, telephone number and address of the owner/harbinger, and information on whether the applicant has been cited with a violation of this ordinance or convicted of cruelty to animals.
- (E)** No person who has been convicted of cruelty to animals shall be issued a license. It shall be within the discretion of the New Albany/Floyd County Animal Control and Shelter whether to issue a license if there have been in excess of 5 violations of this ordinance within twelve month's time.
- (E)** Upon issuance of the license and payment of all fees, the New Albany/Floyd County Animal Control and Shelter shall issue to the applicant a durable tag stamped with an identification number. Animals must wear such tags at all times when outside the owner or harbinger's dwelling unit. The licensing agent shall maintain a record of the identifying number of all tags issued.
- (F)** The Animal Shelter shall charge fees for animal licenses and certain other charges pursuant to a schedule approved by the Floyd County Board of Commissioners. The fees shall be collected by the Shelter, or by its fiscal agent.

- (H)** The license fee shall be waived for certified service dogs, governmental police dogs, or other certified dogs that are trained to assist the physically handicapped. These shall still be registered with the New Albany/Floyd County Animal Control and Shelter and must obtain a license as any other.
- (I)** The owner of any animal deemed by a veterinarian to be unfit to undergo a spaying or neutering operation shall be, upon presentation of written certification to that effect by a licensed veterinarian, charged the fee for a spayed or neutered animal.
- (J)** No person shall use a license for any animal other than the animal for which it was issued.

Penalty, see ss. A-O.99

ss. A-O.17 DOGS AND CATS OVER SIX MONTHS TO BE INOCULATED

It shall be unlawful to own, possess, keep or harbor any dog or cat over the age of six months within the county, unless that animal has been inoculated against rabies by a licensed veterinarian within the preceding year. No license tag shall be issued for any dog or cat over the age of six months, unless the applicant for the license presents proof that the animal has been inoculated for rabies and the inoculation time period has not expired.

Penalty, see ss. A-O.99

IMPOUNDMENT:

ss. A-O.20 Floyd County Commissioners to provide Animal Control Authority and Animal Shelter.

The Floyd County Commissioners shall provide for an Animal Control Authority and Animal Shelter. The Animal Control Authority was established by an Inter-local Cooperation Agreement between the County of Floyd and the City of New Albany on 20th of May 1999 pursuant to the provisions of I. C. 36-1-7 et seq. and all the terms and conditions contained therein are affirmed and incorporated by reference herein. The animal control officer or the animal control officer's agent shall have the authority to impound animals.

ss. A-O.20.1 IMPOUNDMENT AUTHORIZED

- (A)** Any animal which is unrestrained, or found by an animal control officer or police officer to be creating or constituting a public nuisance, or which is so found to have been inhumanely or cruelly treated, neglected, abandoned, or which has bitten and/or scratched another animal or human being, be impound impounded and confined in a humane manner until reclaimed by its owner or otherwise disposed of in accordance with this ordinance, provided, that if after reasonable effort, the seizure of any such animals cannot be made, and it is reasonable believed by and animal control officer that the animal presents a present hazard to the public safety, or if upon seizure the animal is discovered to have such and injury or physical condition, the animal control officer may immediately euthanize the animal by the most reasonable and humane means then possible.
- (B)** Impounded animals, except those suffering from an injury or physical condition which causes the animal to suffer, shall be kept and maintained by the animal shelter for the following state periods:

(1) Impounded Animals: 3 days, not including Sundays and state recognized holidays.

(2) Quarantined Animals: 10 days from the time the bite and/or scratch occurs.

(C) Animal control officers are authorized to go on or about private property to seize an animal. If an animal is seized, the animal control officer shall issue a written notice of seizure and leave it with the owner or affix it to the premises from which the animal was seized.

(D) Impounded domestic pets, other than feral cats, shall be kept three (3) business days, unless reclaimed by their owners. If the owner can be identified by means of a license tag, collar ID, tattoo, microchip, rabies tag or other means physically attached to or upon the body of the animal, the impounding agency shall immediately notify the owner by the most expedient means available of the impoundment of the animal, it will be held for five (5) business days. Animals not reclaimed by their owners within the established time periods and those not placed in suitable new homes after such time, may be humanely euthanized. However, if an impounded animal has an injury or physical or medical condition, which causes the animal to suffer, Animal Control may immediately humanely euthanize the animal. For the purposes of this Ordinance, the impoundment term shall commence on the date of delivery of the animal to the place of impoundment and not the date of notification of the owner. An owner desiring to reclaim an impounded animal shall comply with and pay such fees as provided by the terms and provisions of this Ordinance. If an animal has been impounded because of cruelty and neglect, Animal Control may refuse to release the animal to its owner until the owner gives Animal Control reasonable assurances that the conditions that constitute cruelty or neglect have been or will be corrected.

(E) Animals, (except quarantined animals) not reclaimed by their owners within the applicable time period, my thereafter be placed in suitable homes, or may be humanely euthanized.

(F) Livestock shall be retained or returned to its owner in accordance with applicable state law.

ss. A-O.20.2 **REMOVAL OF ANIMAL IN IMMEDIATE DANGER**

Any animal observed by an Animal Control Officer or Police Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

ss. A-O.20.3 **ENFORCEMENT**

(A) It shall be lawful for any animal control officer to canvass any dwelling unit, business, organization and institution for the purpose of ascertaining compliance with any section of this ordinance and/or any state law pertaining to animals.

(B) It shall be lawful for any animal control officer to go upon private property and into yard to inspect the condition of any animal or investigate any violation of this ordinance and/or any state law pertaining to animals.

(C) It shall be lawful for any animal control officer to inspect any dwelling unit, business, organization and institution with the consent of any owner or occupant, or by administrative or criminal search warrant, for the purpose of an investigation of any violation of this ordinance and/or state law pertaining to animals.

(D) It shall be lawful for any animal control officer to go onto private property and into a yard to seize any animal; with the consent of any owner, caretaker or occupant of the property; or pursuant to the sections of this ordinance; or with an order of a court of competent jurisdiction in this state, or for any violation of this ordinance and/or state law pertaining to animals that causes an animal control officer to believe that the situation endangers the health or well-being or is a life threatening condition for such animal or such animal needs to be removed for humane reasons and/or required immediate care or veterinary treatment or such animal poses a threat to public health or safety.

(E) It shall be lawful for any animal that is found by an animal control officer to be running at-large, stray, public nuisance, inhumanely or cruelly treated, neglected, or has bitten another animal or human being or is being kept in conditions which violate this ordinance may be impounded at the Animal Shelter or any other place appropriate for the holding of animals in a humane manner until released to the owner or agent. The Animal Control officer may refuse to release any animal to its owner until the owner comes into compliance with this ordinance. In addition to impoundment under this section, an owner may face penalties pursuant to ss. A-O.99 of this ordinance.

ss. A-O.21 ANIMAL SHELTER TO RECORD DATA ON IMPOUNDED ANIMALS

Immediately after impounding any animal, the animal control officer shall enter upon the records of the Animal Shelter the date of impounding, a description of the animal impounded, the location where the animal was impounded, and a notation of whether or not the animal had a license tag when impounded. A list of impounded animals shall be kept at the Animal Shelter.

ss. A-O.22 ANIMAL SHELTER TO GIVE NOTICE TO OWNER

The animal shelter shall give notice to the owner of any animal wearing its license tag issued by the Animal Shelter at the time of impoundment to the address shown upon the license, and the owner of the impounded animal may redeem the animal within five days from the date of notice by paying all the costs and charges assessed that have accrued up to the time of redemption.

ss. A-O.23 IMPOUNDING FEE; BOND

(A) The Animal Shelter shall charge impounding fees, boarding charges and certain other fees pursuant to a schedule approved by the Floyd County Board of Commissioners. The fees shall be collected by the Shelter, or by its fiscal agent.

(B) The owner of an animal that has been impounded under this ordinance may prevent disposition of the animal by the New Albany Floyd County Animal Control and Shelter caring for the animal by posting, not later than three (3) days after the animal has been impounded, a bond with the shelter in an amount sufficient to provide for the animal's care and keeping for at least thirty (30) days, beginning from the date the animal was impounded. The owner may renew a bond by posting a new bond, in an amount sufficient to provide for the animal's care and keeping for at least an additional thirty (30) days, not later than five (5) days after the expiration of the period for which a previous bond was posted. If a bond expires and is not renewed, the animal shelter may determine disposition of the animal. If the owner of an animal impounded under this section is found guilty or signs an agreement with conditions of an offense under this ordinance, the owner shall forfeit the bond to the animal shelter to reimburse the animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this

ordinance, the animal shelter may still euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.

(C) If the owner requests, the court or the animal control authority having jurisdiction of criminal charges filed under this ordinance or IC 15-5-12 shall hold a hearing to determine whether probable cause exists to believe that a violation of this ordinance or IC 15-5-12 has occurred. If the court determines that probable cause does not exist, the court shall order the animal returned to its owner, and the return of any bond posted by its owner.

ss. A-O.24 **REDEMPTION OF IMPOUNDED ANIMAL**

- (A)** The owner of an animal, or any person authorized in writing by said owner of any animal, may redeem the animal by paying all the costs and fines assessed that have accrued up to the time of making the redemption, plus the license fee for the animal, if required. Any animal not claimed within three working days of its impoundment becomes the property of the Animal Shelter and may be disposed of in any manner as is in accordance with law. If the animal is known to be owned and notice is sent pursuant to ss.A-O.22, said owner shall have five working days to redeem the animal.
- (B)** A request or application for redemption, under oath or affirmation, must be filed by the owner, if at all prior to the expiration of the impoundment term, after which time any such request or application shall be considered as a petition to adopt the animal in accordance with the rules and regulations promulgated by the Animal Control Authority. If the owner cannot be identified, the Animal Shelter may request reasonable proof of ownership as a condition for the release of the animal. For purposes of this section, proof of ownership may include bills of sale; photos depicting the animal and the owner, vet records with owners name and/or similar evidence. In the event of the existence of a controversy pertaining to the ownership or right of possession of an impounded animal, the Animal Shelter may refuse redemption except upon the order of a court of competent jurisdiction.
- (C)** Any animal previously impounded on more than two occasions within the period of twelve (12) months next preceding the date of the current impoundment, such animal shall be releases only upon the application for redemption and after being fitted with a microchip, to facilitate future identification of the animal and owner. Any dog or cat impounded more than three times within said period, such animal shall be releases only upon application for redemption and conditioned upon the spay/neuter of the animal. The cost of either such procedures shall be paid by the owner of the animal.
- (D)** Any animal deemed to be suffering with extreme pain due to possible injury or apparent disease may be humanely euthanized before the holding period has expired.

Statutory reference:

Prohibited methods of destruction, see IC 15-5-17-1

ss. A-O.25 **EUTHANASIA OF PRIVATELY OWNED ANIMALS**

The Animal Shelter shall have the ability to charge the owner of any animal certain fees to euthanize said animal, in accordance with a schedule approved by the Floyd County Board of Commissioners.

DANGEROUS ANIMALS:

ss. A-O.35 **DANGEROUS ANIMALS.**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS ANIMAL

- (A)** Any animal which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by unprovoked assault or bite or scratch so as to cause serious bodily harm; or
- (B)** Any animal when unprovoked, in a vicious or terrorizing manner or an attitude of aggression, approaches any person upon the streets, sidewalks, or any public grounds or places; or
- (C)** Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of a human being or domestic animal; or
- (D)** Any animal which bites (to the extent of puncturing or severely bruising the skin), inflicts injury to or otherwise attacks a human being or domestic animal without provocation on public or private property; or
- (E)** Any animal which scratches (to the extent of tearing or puncturing the skin), inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
- (F)** Any animal which behaves in such a manner that the owner therefore knows or should reasonably know that the animal possesses a tendency to attack, scratch or bite a human being or
- (G)** Any animal certified by a licensed or certified aggression dog trainer, evaluator or behaviorist after observation thereof, as posing a danger to human life if not kept in a manner required by this ordinance upon the basis of behavioral probability; or
- (H)** Any animal which has previously attacked any human being; or
- (I)** Any animal that cannot be vaccinated against rabies with an approved rabies vaccine, and any animal which has no established rabies quarantine observation period.
- (J)** Exceptions. Any animal may not be deemed dangerous solely because;
 - (1) It bites, attacks or menaces:
 - (a) Anyone assaulting its owner. This shall not include any peace officer attempting to subdue or affect the arrest or detain of a suspect.
 - (b) Any person or animal that has tormented or abused it;
 - (2) It is otherwise acting in defense of any attack from a person or other animal upon its owner or any other person;
 - (3) It is defending its young or the young of another animal;
 - (4) Anyone entering the owner's property to commit robbery, burglary, assault or other crime or entering a secured building without permission. Simple trespassing by a person onto private property may not be considered provocation for any attack.
 - (5) It is severely injured or incapacitated.

(6) Any animals which are employed by a police department in the State of Indiana or any animal which has been certified either nationally or by the State of Indiana for use in police work providing the animal is owned and in the possession of the person who initially trained the animal and for whom the certification was meant.

Penalty, see ss. A-O.99

ENCLOSURES / RESTRAINT FOR DANGEROUS DOGS/ DANGEROUS ANIMAL

- (A)** Enclosures for dangerous dogs/dangerous animal shall be a covered fence or structure at least six feet in height, installed beneath ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient size to allow the dog/animal to stand, sit, and turn around in a natural position, and which allows for adequate exercise area for the size/breed being kept. Enclosures shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather and a shaded area. Such enclosures shall be securely locked with a combination or key lock which has been designed to prevent accidental or malicious opening of the enclosure.
- (B)** Restraint for a dangerous dog/dangerous animal shall be deemed under restraint if on the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner and securely muzzled and restrained with a leather, or nylon lead or leash having a minimum tensile strength of 300 lbs. or greater if such a strength is necessary to restrain the dangerous dog/dangerous animal and not to exceed three feet in length.

Penalty, see ss. A-O.99

ss. A-O.36 DUTY OF OWNERS OF DANGEROUS ANIMALS .

- (A)** It shall be the duty of every owner of any animal or anyone having any animal in possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animal from injuries or damage which might result from the owners animals behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
- (B)** It is the duty of every owner of a dangerous animal to obtain liability insurance coverage insuring against personal injury in the minimum amount of \$100,000.00, and to provide proof of this insurance to Animal Control upon request.
- (C)** It shall be the duty of every owner of any animal, or anyone having any animal in his/her possession or custody, to ensure that the animal is kept under control and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor or custodian and that:
- (1)** It is securely and humanely enclosed within a house building, fence, pen or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own; and such enclosure must be securely locked at anytime the animal is left unattended; or

- (2) In the event the animal is outside of its dwelling unit and enclosure, the animal shall be securely muzzled and restrained with a lead or leash and shall be under the direct control and supervision of its owner.
- (3) In the event the dog is impounded by Animal Control and placed under the Dangerous Dog Ordinance, the dog is to be micro-chipped at the expense of the owner or keeper of the dangerous animal.
- (4) The owner of a dangerous animal shall display a sign on his or her property or premises warning that there is a dangerous animal on the premises. The sign shall be visible and capable of being read from a public highway.
- (5) The owner shall immediately notify the New Albany/Floyd County Animal Control and Shelter, the New Albany Police Department, or the Floyd County Sheriff if a dangerous animal is loose, and /or has attacked another animal or a human being, or has died.
- (6) The animal may be impounded to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this ordinance, and any such Animal Control Officer is hereby empowered to seize and impound any dangerous animal whose owner fails to comply with the provisions hereof, subject to the right of such owner to contest the seizure or impoundment, as provided in this ordinance, in Floyd County Court. The animal will be retained by Animal Control during the pendency of any such proceeding if the owner posts a bond pursuant to section ss. A-O.23 of this ordinance, and Animal Control shall have the power to dispose of any such animal prior to the termination of any court proceedings if no bond is posted or the bond is allowed to lapse, in accordance with that section.
- (7) In the event that any dog previously placed under the Dangerous Dog Ordinance is impounded by Animal Control is found running at-large or in violation of this ordinance, the dog will be impounded by Animal Control and euthanized.
- (8) In the event that the owner of the animal refuses to surrender the animal to Animal Control Officer, the Animal Control Officer may request a Police Officer to obtain a search warrant and to seize the animal upon execution of the warrant.

Penalty, see ss. A-O.99

ENFORCEMENT

ss. A-O.38 ENFORCEMENT PROCEDURES.

In the event that an Animal Control Officer or Police Officer has reasonable suspicion to believe that an animal is being harbored in the county in violation of this ordinance, he/she may:

- (A) Order the violation immediately corrected by having a law enforcement officer cite the owner to appear in Court for the violation; or
- (B) If the violation cannot be immediately corrected and the animal is posing imminent, serious threat to human beings or other domestic animals, the animal may be seized and

impounded, in which case the owner or will be cited to appear in Court for the violation. At the owner's request and expense, such impoundment may be at a veterinarian or licensed kennel of the owner's choosing. If the Court rules that the animal is not dangerous as defined, it will be released to the owner upon payment to the animal shelter of the expense of keeping such animal, pursuant to a schedule of such costs. If the Court rules that it is dangerous as defined, the animal will be released to the owner after payment of any fees and penalties, and upon presentation of proof by the owner that the animal will now be kept restrained or confined as specified in this ordinance.

(C) If, within seven days, after impoundment, the owner of the alleged dangerous animal fails to either provide proof that the animal will now be kept restrained or confined in compliance with the provisions of this ordinance or fails to reclaim it from the Department of Animal Protection and Control after impoundment, it will be humanely euthanized.

(F) Any owner of an animal declared as dangerous shall comply, in addition to the other requirements of this ordinance, with all the following requirements:

(1) Any dog declared a dangerous dog shall purchase and maintain a current license for a dangerous dog.

(2) Any animal declared as dangerous shall possess a microchip or shall have a microchip implanted by the Animal Shelter at the owner expenses.

(3) Any owner of an animal declared as dangerous shall not sell, transfer, give away or use other form of disposition of the animal other than surrender the animal to the Animal Shelter.

(4) Any owner of an animal declared as dangerous shall request authorization from Animal Control to change the location of the animal. The new location, if authorized, shall comply with the requirements of this section.

Penalty, see ss. A-O.99

A-O.38.5 POWERS OF ANIMAL CONTROL OFFICERS

(A) Animal control officers have the power to issue citations to people accused of violating this Ordinance in accordance with its provisions regarding enforcement procedures.

(B) Animal control officers also have the power to enforce any state laws or regulations regarding the use of animals in agriculture, cruelty to animals, or animal disease prevention and care. Any violation of state criminal law must be referred to the office of the Floyd County Prosecutor for prosecution.

Penalty, see ss. A-O.99

ss. A-O.39 CUSTODIAL LIABILITY

In the event that the owner of the dangerous animal is a minor, the custodian, parent or guardian, legally responsible for such minor shall be liable for all injuries and property damage sustained by an person or domestic animal caused by an unprovoked attack by said dangerous animal, upon proof of fault. **Penalty, see ss. A-O.99**

ss. A-O.40 DESTRUCTION OF IMPOUNDED ANIMALS

- (A)** No animal shall be destroyed within three days of being impounded unless necessary to prevent or stop an attack upon a person or another animal, for humane reasons related to sickness or injury of the animal, or as otherwise provided by law.
- (B)** An impounded animal shall not be destroyed pending an owner's appeal of a Court Order of Destruction. The Animal Control Officer shall have the burden of proving that the animal should be destroyed pursuant to this ordinance.
- (C)** Other provisions of this ordinance notwithstanding, any animal which has bitten or scratched someone shall be quarantined for ten days from time the bite or scratch occurs. Any owner who fails to properly quarantine their animal is subject to citation for violation of this section and the animal shall be removed to the animal shelter for the remainder of its quarantine period. The owner will be responsible for all quarantine fees.
- (D)** An animal whose owner is unavailable or incapable of quarantining the animal may be taken by New Albany/Floyd County Animal Control and Shelter and quarantined at the animal shelter for the prescribed period.

Penalty, see ss. A-O.99

ss. A-O.41 ANIMAL CONTROL AUTHORITY

The Animal Control Authority was established by an Inter-local Cooperation Agreement between the County of Floyd and the City of New Albany on 20th of May 1999 pursuant to the provisions of I. C. 36-1-7 et seq. and all the terms and conditions contained therein are affirmed and incorporated by reference herein.

- (A)** The Authority may uphold or reverse a decision made by an animal control officer declaring that an animal is a public nuisance or "Dangerous" animal as defined by this ordinance.
 - (1.) If such a decision is upheld the Authority may place the owner of the animal(s) on probation for a period of time determined by the Authority, which is deemed in the best interest of the animal and the community.
 - (2.) The Authority may place restrictions on the owner during the period of probation that are deemed in the best interest of the animal and the community.
- (B)** Any and all appeals for permits or revocation of permits within this ordinance shall come before the Authority for hearing.
- (C)** These hearings shall be recorded on standard cassette tapes or any similar technology. Transcripts of these hearings may be made at the expense of any person seeking review of the hearings.
- (D)** Appeals from the determinations of the Authority may be perfected to the Floyd Circuit Court in accordance with, and subject to the procedures and deadlines set out in, the provisions of the Indiana Administrative Code regarding administrative appeals.

ss. A-O.41.5 MEETINGS WITH ANIMAL CONTROL AUTHORITY

- (A)** The Animal control authority may, at its sole discretion, meet with any person suspected of violating this Ordinance for the purpose of informal negotiations to determine any penalties or establish a plan to remedy violations. People accused of violating this Ordinance may also request a conference with the Animal Control Authority to resolve

any claim of violation. These negotiations shall be conducted informally, for the purpose of peaceful resolution of claimed violations of the Ordinance.

- (B)** Meetings conducted under this section shall be entitled to the evidentiary privileges afforded to settlement negotiations under Indiana law.
- (C)** Unless an agreement is arrived at, no representations made by any party shall continue to bind that party should any official or judicial proceeding be undertaken to enforce this Ordinance.
- (D)** Allegations of violations of state criminal law must be referred to the Floyd County Prosecutor.

ss. A-O.42 RESOLUTION AND SETTLEMENTS

- (A)** The Animal Control Authority and the accused person may enter into a settlement agreement regarding the matters alleged in the report of the Officer. Such a settlement agreement may provide for:
 - (1) Remedial actions to be undertaken by the accused; and/or
 - (2) A time table by which such remedial actions must be performed; and/or
 - (3) The waiver of fines, penalties, and other sanctions available under this Ordinance.
- (B)** A settlement agreement entered into under this section must be reduced to writing and signed by the person claimed to have violated the ordinance or his or her representative, parent, or legal guardian; and the Authority or its representative.
- (C)** A settlement entered into under this section is binding upon all the parties and their heirs, successors, and assigns.

ss. A-O.43 JUDICIAL ENFORCEMENT

- (A)** If no settlement agreement is reached, or any settlement agreement is breached by the person responsible animal; or if the Animal Control Authority decides in its sole discretion that a settlement conference would be unhelpful, or that a situation exists that requires immediate action, Animal Control may bring judicial proceedings to enforce this ordinance.
- (B)** Judicial proceedings shall be brought by the Floyd County Attorney or his designee.
- (C)** Fines, judgments, and injunctive relief against violation of this ordinance may be sought in any such judicial proceedings and any other remedies available to the Animal Control Authority in law or equity.

ss. A-O.44 SAVINGS CLAUSE

This ordinance and the various parts, sections, sentences, phrases, and clauses hereof, are hereby declared to be severable. If any part, section, sentence, phrase, or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

ss. A-O.45 REPEALED

Floyd County Ordinance 2007- III, regarding allowing dogs to run at loose, is repealed.

ss. A-O.99 ISSUANCE OF CITATIONS; VIOLATION NOTICES

- (A)** In addition to, or in lieu of impounding an unrestrained or stray animal or for any other violation of this ordinance, any Animal Control Officer, Police Officer or authorized agent may issue a citation to the owner of such animal specifying the section or sections of this ordinance so violated and identifying the specific nature of the violation. A person who receives a citation has 24 hours to correct the violation or s/he will be subject to additional penalties or the animal will be subject to impoundment as provided in this ordinance.
- (B)** Upon complaint and execution by any citizen of a sworn affidavit that said affiant has actual knowledge that ss. A-O.01, ss. A-O.06, ss. A-O.07, ss. A-O.08, ss. A-O.09, ss. A-O.11, ss. A-O.17, or ss. A-O.15 has been violated, Animal Control Officer, shall constitute reasonable suspicion for an animal control officer to begin an investigation.
- (C)** A first offender in violation of any provision of ss.A-O.01, ss.A-O.02.5 through ss. A-O.11, ss. A-O.15, ss. A-O.17 shall be fined not less than \$25 nor more than \$100. For any second or subsequent violation of any provision of ss.A-O.01, ss.A-O.02.5 through ss. A-O.11, ss. A-O.15, ss. A-O.17 a person shall be fined not less than \$50 nor more than \$200.
- (D)** A first offender in violation of any provision of ss.A-O.35 through A-O.40 shall be fined not less than \$50 nor more than \$100. In the event that any dog previously placed under ss.A-O.35 through A-O.40 is found in violation of this ordinance, the dog will be impounded by Animal Control and euthanized.
- (E)** Fines and penalties collected pursuant to this ordinance shall be collected by Animal Control or by its fiscal agent, and shall be retained in the non-reverting fund for Animal Control or its successors, excepting fees collected under ss.A-O.10, ss.A-O.12, ss.A-O.23(A), ss.A-O.24(C), ss.A-O.25, Adoption Fees, or GAP Program Fees.

DULY ADOPTED this _____ day of _____, 2007.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

/s/ Stephen A. Bush
President

/s/ Charles A. Freiburger
Member

/s/ David Mark Seabrook
Member

ATTEST:
/s/ Teresa A. Plaiss
Floyd County Auditor